

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/686,371

REMARKS

In response to the Appeal Brief filed October 4, 2004, the Examiner re-opened prosecution of the present application.

Claims 1-20 are pending in the application.

Claims 6-20 are allowed.

Claims 1-5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hara (US 6,154,289).

Hara relates to an image reading and transmitting system, which transmits image data acquired by an image reading apparatus through a network to a variety of processing apparatuses.

With regard to claim 1, Applicant submits that Hara fails to teach or suggest transmission means for sending the image to the predetermined addressee. With respect to this feature of the claim, the Examiner refers to FIG. 1 and col. 3, lines 43-57. The cited excerpt describes the image reading and transmitting system of FIG. 1. However, Hara does not disclose sending an image to a predetermined addressee. On this point, Hara is silent. Rather, as mentioned in the Abstract, Hara discloses transmitting image data through a network, but this is without regard for a predetermined addressee. Therefore, claim 1 and its dependent claims 2-5 are not anticipated by Hara.

In conjunction with the above argument, Applicant amends claim 1 to explicitly include the feature of the image being sent "to the predetermined addressee."

With further regard to claims 2-5, Applicant has the following comments.

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For claim 2, Applicant submits that Hara fails to teach or suggest wherein the unnecessary image designating means carries out the designation of the unnecessary image by moving display of accompanying information of the image to an unnecessary image list on the display means. The Examiner refers to FIG. 2 and col. 4, lines 46-57 of the reference as allegedly disclosing this feature of the claim. Applicant disagrees. Rather than disclosing accompanying information of the image, Hara discloses displaying images on a screen which also includes a "CANCEL" button and an "OK" button. Hara does not disclose moving display of such accompanying information. Also, Hara does not disclose an unnecessary image list. Furthermore, the reference fails to disclose designation of unnecessary image by moving display of accompanying information of the image to the unnecessary image list. Therefore, claim 2 is not anticipated by Hara for these additional reasons.

Claim 3 recites wherein the transmission control means controls the transmission means so as not to send an image having medical examination information which is the same as medical examination information of the image having been designated as the unnecessary image. The Examiner points to col. 5, lines 51-64 of Hara and asserts that the reference discloses the features of claim 3. Although Hara (col. 5, lines 62-63) discloses that "only useful image data can be transmitted," Hara is directed to a system in which the operator of the system views the images and determines whether the images are useful enough to transmit. Whether an image has medical examination information, which is the same as medical examination information of an image having been designated as an unnecessary image is not taught or suggested by the reference. In Hara, since it is up to the operator's discretion and subject to the operator's errors, the operator could decide to send an image having medical examination information, which is

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the same as medical examination information of an image having been designated as an unnecessary image. Furthermore, as described in the cited excerpt, Hara is primarily concerned with the quality of the images, not the medical examination information itself. Thus, claim 3 is not anticipated by Hara for these reasons also.

Regarding claim 4, the Examiner asserts that col. 4, lines 48-57 discloses wherein the image having been designated as the unnecessary image is automatically deleted after a predetermined time has elapsed. Applicant respectfully disagrees. Applicant submits that the cited excerpt simply discloses deleting images from buffer 7 by pressing the “CANCEL” button on Hara’s screen, without regard to being deleted after a predetermined time has elapsed. Hence, claim 4 is allowable for this reason as well.

Claim 5 recites wherein the designation of the image as the unnecessary image can be cancelled. Here, the Examiner cites col. 4, lines 46-57 of Hara as allegedly corresponding to the claimed limitations. The cited excerpt describes the storage, display and deleting of images. To delete an image from the buffer 7, the operator chooses the image and presses the “CANCEL” button. However, there is no teaching or suggestion of being able to cancel the designation of an image as being an unnecessary image after that designation is made. Hara simply teaches transmitting or deleting/not transmitting images. Once the designation is made that an image is not to be transmitted in Hara, there does not appear to be a manner by which to alter that designation. Rather, the images that are not to be transmitted are deleted. Thus, claim 5 is not anticipated by Hara for this additional reason.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: March 9, 2005